



# Focus on the NPDES Municipal Stormwater Program

from Ecology's Water Quality Program

## What is the National Pollutant Discharge Elimination System (NPDES) Municipal Stormwater Program?

In 1987, Congress changed the Clean Water Act to regulate stormwater. Under the revisions, NPDES permits are required for municipal stormwater discharges to surface waters. The Environmental Protection Agency (EPA) developed rules to implement the new stormwater requirements in two phases:

- Phase I** In 1990, EPA issued NPDES Phase I rules that applied to cities and counties with populations greater than 100,000. Washington has seven Phase I jurisdictions: Snohomish, King, Pierce, and Clark counties; the cities of Seattle and Tacoma; and Washington Department of Transportation (WSDOT) facilities within those jurisdictions.
- Phase II** In 1997, the EPA issued NPDES Phase II rules regulating municipally-owned separate storm sewer systems within census-defined urban areas.

## What do the federal NPDES rules say?

Both Phase I and Phase II rules require publicly-owned stormwater systems located within census-defined urbanized areas to obtain NPDES permits for their stormwater discharges. There are 13 census-defined urbanized areas in Washington. (See web site for Urban Area Maps: [http://www.ecy.wa.gov/programs/wq/stormwater/phase\\_2/maps.html](http://www.ecy.wa.gov/programs/wq/stormwater/phase_2/maps.html))

For Phase I, EPA required the identified cities and counties to obtain an NPDES permit for their stormwater discharges and specified permit application requirements. EPA's rules did not establish permit requirements except for annual reporting.

For both Phase I and Phase II jurisdictions, the EPA rules require operators of municipal separate storm sewer systems (**MS4s**) to develop and implement a *stormwater management program* that:

- Reduces the discharge of pollutants to the “maximum extent practicable”
- Protects water quality
- Satisfies appropriate requirements of the Clean Water Act

## Phase II minimum control measures

EPA's rules identify six minimum control measures that must be included in a Phase II stormwater program to protect water quality. (See [www.epa.gov](http://www.epa.gov))

1. Public Education and Outreach
2. Public Participation/Involvement
3. Illicit Discharge Detection and Elimination

4. Construction Site Runoff Control
5. Post-Construction Runoff Control
6. Pollution Prevention/Good Housekeeping

The federal rules identify two additional standards with which an operator of a regulated MS4 must comply:

7. Fulfillment of requirements of an approved TMDL (water-cleanup plan)
8. Record keeping, evaluation, and reporting on the progress of the program

## **What do the federal Phase II regulations require Ecology to do?**

The federal rules delegate several actions and decisions on the Phase II program to the states. Specifically, the federal Phase II regulations require Ecology to:

- Develop a process and criteria for designating which small MS4s must be covered under Phase I.
- Apply those criteria to any small MS4 located outside an urban area serving a population greater than 10,000 with a density of greater than 1,000 people per square mile.
- Designate as regulated any small MS4 that meets the criteria by December 9, 2002.
- For general permits, develop a menu of best management practices (BMPs) to assist regulated MS4s in implementing stormwater programs that will protect water quality.
- Issue permits to all regulated MS4s which requires them to:
  - *Reduce the discharge of pollutants to the “maximum extent practicable.”*
  - *Protect water quality.*
  - *Satisfy appropriate requirements of the Clean Water Act.*

## **Phase II status in Washington**

- As of January 2004, regulated MS4s, bubble cities, and waived jurisdictions have been tentatively identified.
- Ecology has decided that there will be two general permits. One will be for eastern Washington and one for western Washington.
- Ecology began the development of General NPDES permits for Municipal Stormwater during 2004.
- The western Washington preliminary draft permit will be out for comment in January and is scheduled to be final late summer 2005.
- The eastern Washington preliminary draft permit will be out for comment this spring and is scheduled to be final by the end of 2005.

For additional information, check our Phase II Web site at:

[http://www.ecy.wa.gov/programs/wq/stormwater/phase\\_2/index.html](http://www.ecy.wa.gov/programs/wq/stormwater/phase_2/index.html) or contact

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